

EXHIBIT Q

Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., NW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

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p12*

May 3, 2024

Susan Long
Transactional Records Access Clearinghouse (TRAC)
601 E. Genesee Street
Room 210 Peck Hall
Syracuse, New York 13202-3117

RE: ICE FOIA Case Number 2023-ICFO-01753

Dear Requester:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated 10/24/2022. You have requested FOIA Request for the latest alien-by-alien, detention-facility-by-detention-facility, anonymous data covering individuals who were in ICE custody at any point during FY 2019 through September 2022 (or date search conducted if later). ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal operations (ERO) for records responsive to your request produced one Microsoft Excel file that is responsive to your request. After review of the document, I have determined that portions will be withheld pursuant to Exemptions of the FOIA as described below.

Additionally, ICE has determined the document released for this request also addresses information for several of your previously submitted requests. As the information has been addressed, the following FOIA requests have been administratively closed: 2022-ICFO-00517, 2022-ICFO-01880, 2022-ICFO-05184, 2022-ICFO-07798, 2022-ICFO-08800, 2022-ICFO-16913, 2022-ICFO-17107, 2022-ICFO-22620, 2022-ICFO-22838, and 2022-ICFO-29126.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes

that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

FOIA Exemption 7(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you have any questions please contact FOIA Public Liaison Daniel Edgington at (866) 633-1182 or 500 12th St., SW Stop 5009 Washington, DC 20536-5009. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601

Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany Abraham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tiffany Abraham
Paralegal Specialist

Enclosure(s): 1 Microsoft Excel file

